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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/932,532	09/17/97	DOVIAK	W R15733

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RESTON VA 20191

LMC1/0914

EXAMINER

GELIN, J

ART UNIT PAPER NUMBER

2744

12

DATE MAILED: 09/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/932,532

Applicant(s)

William Dovak et al.

Examiner

Jean A. Gelin

Group Art Unit

2744



☒ Responsive to communication(s) filed on Sep 17, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 45-123 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 45-123 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This is in response to the applicant's amendment and argument received on July 07, 1999 in which claims 1-44 have been canceled. Claims 45-123 have been added. After a complete review of the response and claims, Applicant's arguments have been fully considered but are deemed to be moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 45-123 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claims 45-123, the phrase "capable of" renders the scope of the claim vague and indefinite.

It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 45-46, 51-65, 70-73, 76-91, 94-103, 108-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith et al. in view of Lantto.

Regarding to claim 45, Griffith et al. teaches a router for transporting data between a first device and a second device over at least one of a plurality of parallel networks, at least two of the networks being dissimilar, the router comprising (see fig. 1): a first interface for connecting to the plurality of parallel dissimilar networks (i.e., BRI); a second interface for connecting to the second device (i.e., BRI); and a monitoring system that is capable of monitoring the status of the plurality of dissimilar networks (i.e., items 120, 110, col. 2, line 48 to col. 3, line 27; switch 120 may be identical).

Griffith does not specifically disclose a monitoring system that is capable of monitoring the status of the plurality of dissimilar networks.

However, monitoring system that is capable of monitoring the status of the plurality of dissimilar networks is very well known in the art of communications, as evidenced by Lantto. Lantto discloses the transportation of data from one type of network to another type of network (col. 1, line 61 to col. 2, line 50). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have implemented the teaching of Lantto within the system of Griffith in order to facilitate user to move in more than one type of network.

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Regarding to claim 46, Griffith et al. teaches which the status comprises at least one of installation status, network health, configuration status, and network availability (i.e., base station inherently includes information; col. 3, line 2 to col. 4, line 40).

Regarding to claim 51, Griffith et al. teaches the networks comprise wireless networks (items 110, 120).

Regarding to claims 52, 77, 95, 108, Griffith et al. teaches the networks comprise at least one wireless network and at least one wireline network (see base station 115).

Regarding to claims 53, 72, 90, 109, Lantto teaches a system for interfacing protocolized data into the plurality of dissimilar networks using different protocols (fig. 2, item 100).

Regarding to claims 54, 110, Griffith et al. teaches the plurality of networks comprise switched networks (i.e., inherent in BSC).

Regarding to claims 55-56, 111-112, Griffith et al. teaches the plurality of networks comprise dedicated networks (col. 2, lines 5-30)

Regarding to claims 57, 60-61, 76, 78-79, 94, 96-97, 113, 122-123, Griffith et al. teaches at least one of digital networks and analog networks (col. 9, line 50 to col. 10, line 28).

Regarding to claims 58-59, 114, Griffith et al. teaches at least one of the plurality of networks comprises a packet based wireless network (col. 5, line 46 to col. 6, line 56).

Regarding to claims 62, 81, the claim are interpreted and rejected for the same reason as set forth in the rejection of claim 45 above.

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Regarding to claims 63-65, 82-87, 115-121, Lantto teaches monitoring the status of the at least two dissimilar networks (col. 2, lines 10-50).

Regarding to claims 70, 88, Griffith teaches transporting data via a plurality of protocols comprising at least Internet Protocol (IP), and transparent protocol over the plurality of networks (i.e., inherent in col. 3, lines 3-21 for computer 114 to access the Internet).

Regarding to claims 71, 89, Griffith teaches transporting data between the first device and the second device in accordance with the routing, and detecting and correcting errors in transmission of the transported data (i.e., inherent in col. 5, line 45 to col. 6, line 57).

Regarding to claims 73, 91, the claims are interpreted and rejected for the same reason as set forth in the rejection of claim 45 above.

Regarding to claim 80, the claim is interpreted and rejected for the same reason as set forth in the rejection of claim 45 above.

6. Claims 47-50, 66-69, 74-75, 92-93, 104-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith et al. in view of Lantto as applied to claim 1 above, and further in view of Mizikovsky.

Regarding to claim 47, Griffith and Lantto teach all the limitations except that a system for determining network selection criteria; a selector for dynamically selecting at least one of the plurality of networks in accordance with the network selection criteria; and a switch for switching to the at least one selected network so that data can be transported between the first device and the second device over the at least one selected network.

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However, Mizikovsky teaches an peripheral multi-purpose interface (fig. 1, item 52) for selectively answering an incoming call, said peripheral device can connect to a facsimile, voice mail, E-mail and so on (col. 7, line 6 to col. 8, line 59). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have implemented the teaching of Mizikovsky within the system of Griffith and Lantto in order for incoming calls to be routed to the appropriate destination without the intervention of the user.

“With respect to claims 48-50, 74-75, 92-93, 104-107, they have limitations similar to those discussed above, and hence are rejected as being unpatentable over Griffith in view of Lantto further in view of Mizikovsky for the same reason given above.”

Regarding to claims 62-69, Mizikovsky teaches determining network selection criteria; selecting a network to be used for data transport based upon the monitoring and the network selection criteria (col. 7, line 6 to col. 8, line 65).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murthy et al. teaches communication apparatus and methods.

MeLampy et al. teaches system and method for re-establishing a disconnected telephone communication.

Onishi et al. teaches internetworking apparatus for connecting plural network systems and communication network system composed of plural network systems mutually connected.

Chin et al. teaches method and apparatus for managing an integrated router/hub.

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Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (703) 305-4847.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

J. Gelin

September 7, 1999



DWAYNE D. BOST
SUPERVISORY PATENT EXAMINER
GROUP 2700